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In re Application of	:	
KRAH et al.	:	DECISION ON
Application No.: 10/581,929	:	
PCT No.: PCT/EP2004/012649	:	PAPERS
Int. Filing Date: 09 November 2004	:	
Priority Date: 24 November 2003	:	UNDER 37 CFR 1.42
Attorney's Docket No.: None	:	
For: DEVICE AND METHOD FOR	:	
MANUFACTURING WRAPPED TUBES	:	

This is a decision on the applicants' submission filed 18 July 2007.

BACKGROUND

On 09 November 2004, applicants filed international application PCT/EP2004/012649 which designated the U.S. and claimed a priority date of 24 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2006.

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

On 14 August 2006, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 30 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2006, applicants filed a submission which was accompanied by, *inter alia*, two declarations of the inventors. The indication in the second declaration that inventor Adolf Berger is deceased was treated as a request for status under 37 CFR 1.42.

On 27 December 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 08 November 2006 was missing the signature of Adolf Berger.

On 08 January 2007, a decision was mailed vacating the NOTIFICATION OF DEFECTIVE RESPONSE mailed 27 December 2006 and refusing applicants' request under 37 CFR 1.42. Regarding the request under 37 CFR 1.42, it was noted that both the declaration signed by Karl-Heinz Krah and the declaration signed by Kathe Berger failed to comply with 37 CFR 1.497(a)-(b).

On 10 April 2007, applicants submitted a renewed submission under 37 CFR 1.42, which was accompanied by a petition/fee for a one-month extension of time, a declaration of inventors signed by Karl-Heinz Krah, and a declaration of inventors signed by Kathe Berger.

On 25 June 2007, a decision was mailed refusing applicants' renewed request under 37 CFR 1.42. It was noted that neither the declaration of inventors signed by Karl-Heinz Krah nor the declaration of inventors signed by Kathe Berger were sufficient because both contain non-initialed alterations. The alterations consisted of two German words "Unterschrift" and "Datum" hand printed and added in both declarations adjacent the respective words "Signature" and "Dated".

On 11 July 2007, in a telephone interview with Mr. Vincent L. Ramik, the undersigned indicated that upon reconsideration, the hand printed notations referred to above did not constitute non-initialed alterations under 37 CFR 1.52(c) and that the decision mailed 25 June 2007 would be vacated.

On 18 July 2007, applicants filed the instant submission.

DISCUSSION

The decision mailed 25 June 2007 is hereby VACATED for the reasons set forth above.

The submission filed 10 April 2007 has been reconsidered and has been found in compliance with 37 CFR 1.42. The declarations of inventors filed 10 April 2007 are in compliance with 37 CFR 1.497(a)-(b). As noted in applicants' submission filed 18 July 2007, the hand printed notations described above are not indicative of an inability of either declarant to read or understand the English language. Attention is also directed to the declarations of inventors filed 10 April 2007 which were signed by each declarant without any hand printed notations regarding either the signature or date.

CONCLUSION

For the above reasons, the decision mailed 25 June 2007 is VACATED.

For the above reasons, the request for status under 37 CFR 1.42 is ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

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